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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,031	03/08/2001	Toshihisa Satake	01 -202	2801

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EXAMINER	
NGUYEN, BINH AN DUC	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/802,031	SATAKE, TOSHIHISA	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Response filed May 14, 2007 has been received. Currently, claims 1-7 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (4,952,922) in view of Kadota (5,384,580).

Referring to claims 1, 6, and 7, Griffin et al. teaches a game method, apparatus, or storage medium having readable program code means therein for determining specified object position, comprising: generating map data (or means thereto) to display a map image on a display unit (55) of the game apparatus, the map image two-dimensionally expressing a corresponding three-dimensional map which includes information representing a predetermined three-dimensional field, wherein the three dimensional map is divided into a plurality of small regions and displayed on the display unit (55) (Figs. 3b, 4 and 6); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a

peripheral edge of the three-dimensional map (Fig. 3a); projecting the predetermined viewpoint onto the three-dimensional map (Figures 3a, 3b, and 4; 5:33-47, 6:1-17 and 6:38-54); and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field (Figure 3a); advancing the game by an operator a position of at least one combat element (aircraft or tank or helicopter, 10:35-41) in at least one of the small regions, wherein the game progresses by moving and specifying the position of the combat element. Note that, the fly simulation of Griffin et al. is considered as a game. Note that, Griffin et al.'s Figures 3a and 3b disclose the three-dimensional map (Fig.3a) being disposed in parallel to the map image (viewing screen 122 having sub-images 123a, 123b, 123c, etc.) at a backward position thereof seeing from a predetermined viewpoint. Further, the predetermined viewpoint, i.e., operator eye position (Figs. 3a, 3b) does not preclude straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image which further pass through corresponding points on a peripheral edge of the three-dimensional map, as illustrated by Figures 3a and 3b. **Griffin et al. does not explicitly teach** the limitations of generating cursor data to display a cursor on the displayed map image; controlling a position of the displayed cursor in accordance with an instruction from an operator; and determining the detected point as a position where the cursor specifies on the displayed map image; and progressing the game using the cursor. **Kadota, however, teaches** an image processing method and system for video game comprising generating cursor data to display a cursor (4) on the displayed map image (Figs. 3, 5, 6); controlling a position of

the displayed cursor in accordance with an instruction from an operator (using pointing device 35)(4:19-45); and determining the detected point as a position where the cursor specifies on the displayed map image (5:1-6:40) (Figs.4 and 5); and progressing the operation using the cursor to specify the position of objects (6:59-8:36). **It would have been obvious** to a person of ordinary skill in the art at the time of the invention was made to provide the cursor of Kadota to the simulation system and method of Griffin et al. to enhance user interface that make it easier for players or operators to control objects in 3-D space thus attract more players to the game.

Referring to claim 2, Griffin et al. teaches generating map data to display a position on the map image, which corresponds to the determined position, on the display to be distinguishable from other positions (Fig. 1).

Referring to claim 3, Griffin et al. teaches the predetermined three-dimensional field includes a plurality of areas, and the detecting step includes detecting which of the plurality of areas includes the detected point (Figures 3a and 4);

Referring to claim 4, Griffin et al. teaches the map data generating step includes generating map data to display an area on the map image, which corresponds to the detected area, on the display to be distinguishable from other areas (123a-123c)(Figure 3b);

Referring to claim 5, Griffin et al. teaches the predetermined three-dimensional field represents a ground surface (Figures 3a and 4; 7:27-44).

Response to Arguments

Applicant's arguments filed May 14, 2007 have been fully considered but they are not persuasive.

The applicant argued that Griffin et al. does not teach the claimed limitation of "virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map" (Applicant's remarks, page 3, 1st full paragraph to page 4, 1st paragraph) is deemed not to be persuasive. Griffin et al.'s Figures 3a and 3b diclose the three-dimensional map (Fig.3a) being disposed in parallel to the map image (viewing screen 122 having sub-images 123a, 123b, 123c, etc.) at a backward position thereof seeing from a predetermined viewpoint. Further note that, the predetermined viewpoint, i.e., operator eye position (Figs. 3a, 3b) does not preclude straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image which further pass through corresponding points on a peripheral edge of the three-dimensional map, as illustrated by Figures 3a and 3b.

In response to applicant's argument that there is no suggestion to combine the references (Applicant's remarks, page 4, 1st two full paragraphs), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves

or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Griffin et al. teaches a game method, apparatus, or storage medium having readable program code means therein for determining specified object position, comprising: generating map data (or means thereto) to display a map image on a display unit (55) of the game apparatus, the map image two-dimensionally expressing a corresponding three-dimensional map which includes information representing a predetermined three-dimensional field, wherein the three dimensional map is divided into a plurality of small regions and displayed on the display unit (55) (Figs. 3b, 4 and 6); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map (Fig. 3a); projecting the predetermined viewpoint onto the three-dimensional map (Figures 3a, 3b, and 4; 5:33-47, 6:1-17 and 6:38-54); and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field (Figure 3a); advancing the game by an operator a position of at least one combat element (aircraft or tank or helicopter, 10:35-41) in at least one of the small regions, wherein the game progresses by moving and specifying the position of the combat element. Note that, the fly simulation of Griffin et al. is considered as a game. And Kadota teaches an image processing method and system for video game comprising generating cursor data to

display a cursor (4) on the displayed map image (Figs. 3, 5, 6); controlling a position of the displayed cursor in accordance with an instruction from an operator (using pointing device 35)(4:19-45); and determining the detected point as a position where the cursor specifies on the displayed map image (5:1-6:40) (Figs.4 and 5); and progressing the operation using the cursor to specify the position of objects (6:59-8:36). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the cursor of Kadota to the simulation system and method of Griffin et al. to enhance user interface that make it easier for players or operators to control objects in 3-D space thus attract more players to the game.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 22, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN

Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714